

BEFORE THE BOARD OF CONTRACTORS

STATE OF IDAHO

In the Matter of the Registration of:)	
)	Case No. CON-2007-2
IDAHO STEELCRAFT, LLC,)	
JIM WELSH, Owner,)	FINDINGS OF FACT,
Registration No. RCE-7505,)	CONCLUSIONS OF LAW AND
)	FINAL ORDER ON
Respondent.)	VOLUNTARY SURRENDER OF
)	REGISTRATION

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Having reviewed the allegations against Respondent Jim Welsh/Idaho Steelcraft, LLC in this matter and the Voluntary Surrender of Registration/License attached hereto as Exhibit A, the Idaho State Board of Contractors (the "Board") hereby enters the following Findings of Fact, Conclusions of Law, and Final Order:

FINDINGS OF FACT

1. Respondent Jim Welsh is the sole member of Idaho Steelcraft, LLC and is a registrant of the Board under Registration No. RCE-7505 issued February 21, 2006. Respondent's registration is subject to the provisions of the Idaho Contractor Registration Act, title 54, chapter 52, Idaho Code (the "Act").

2. From January to April 2006, the Board received five complaints from individuals alleging Respondent violated the Act as follows:

a. Between January 1, 2006, and February 20, 2006, Respondent repeatedly engaged in the business of or held himself out as a contractor while not properly registered with the Board, in violation of Idaho Code §§ 54-5204(1), 54-5217(1) and 54-5215(2)(a); and

b. Between February 21, 2006, and May 12, 2006, Respondent repeatedly engaged in dishonest or dishonorable dealings while registered as a contractor, in violation of Idaho Code § 54-5215(2)(g).

3. On or about May 12, 2006, Respondent voluntarily surrendered Registration No. RCE-7505, admitting to violations of the Act. Respondent's voluntary surrender of licensure further authorized the Board to impose a civil penalty and costs and fees incurred in the investigation and prosecution in this matter. A true and correct copy of the Voluntary Surrender of Registration/License signed by Respondent is attached hereto as Exhibit A.

4. In the Voluntary Surrender of Registration/License, Respondent knowingly and freely waived his right to a hearing, and waived all rights granted to Respondent pursuant to the Administrative Procedures Act, chapter 52, title 67, Idaho Code.

5. On May 25, 2006, Respondent filed a Chapter 7 Voluntary Petition in the United States Bankruptcy Court for the District of Idaho, Case No. 06-00592. On May 26, 2006, Respondent filed an Amended Voluntary Petition in Case No. 06-00592 to include Idaho Steelcraft LLC as a name under which Respondent did business. On October 24, 2006, Respondent's bankruptcy was discharged.

CONCLUSIONS OF LAW

1. As a registered contractor in the State of Idaho, Respondent is subject to the jurisdiction of the Board and to the provisions of title 54, chapter 52, Idaho Code, and the rules and regulations promulgated by the Board thereunder.

2. The allegations in the complaints, if proven, constitute violations of the Act and constitute grounds for revocation or suspension of Respondent's registration pursuant to Idaho Code §§ 54-5204(1), 54-5215(2)(a), 54-5215(2)(g) and 54-5217(1).

3. Respondent's voluntary surrender of licensure authorizes the Board to revoke Respondent's license without further process pursuant to Idaho Code § 54-5215.

ORDER

NOW, THEREFORE, based upon the foregoing Findings of Fact and Conclusions of Law, and good cause being shown, it is hereby ordered that:

1. Registration No. RCE-7505 issued to Respondent Idaho Steelcraft, LLC, and Jim Welsh, Owner, is hereby REVOKED. Respondent shall immediately return said registration to the Bureau of Occupational Licenses.

2. The Board shall DEFER any final order concerning any assessment of a civil penalty and/or the recovery of fees and costs, to allow for further proceedings pursuant to the Idaho Administrative Procedures Act, title 67, chapter 52, Idaho Code.

This order is effective immediately.

DATED this 28th day of November 2006.

IDAHO STATE BOARD
OF CONTRACTORS

By AG Elliott III
~~Jerry Nemec~~, Chair
AG Elliott III acting chair

NOTICE OF DUE PROCESS RIGHTS

NOTE: THIS NOTICE IS PROVIDED SOLEY FOR COMPLIANCE WITH IDAHO CODE § 67-5248 AND IS NOT INTENDED TO REINSTATE ANY RIGHTS PREVIOUSLY WAIVED BY RESPONDENT.

This is a final order of the Board. Any party may file a motion for reconsideration of this final order within fourteen (14) days of the service date of this order. The Board will dispose of the petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Idaho Code § 67-5246(4).

Pursuant to Idaho Code §§ 67-5270 and 67-5272, any party aggrieved by this final order or orders previously issued in this case may appeal this final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- a. A hearing was held,
- b. The final Board action was taken,
- c. The party seeking review of the order, resides, or

- d. The real property or personal property that was the subject of the Board action is located.

An appeal must be filed within twenty-eight (28) days (a) of the service date of this final order, (b) of an order denying petition for reconsideration, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration, whichever is later. See Idaho Code § 67-5273. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

CERTIFICATE OF SERVICE

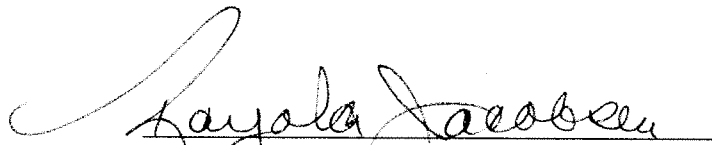
I HEREBY CERTIFY that on this 28th day of November, 2006, I caused to be served a true and correct copy of the foregoing by the following method to:

Jim Welsh
5209 Targee #34
Boise, ID 83705

- ☒ U.S. Mail
- ☐ Hand Delivery
- ☒ Certified Mail, Return Receipt Requested
- ☐ Overnight Mail
- ☐ Facsimile: _____
- ☐ Statehouse Mail

Emily A. Mac Master
Deputy Attorney General
P.O. Box 83720
Boise, ID 83720-0010

- ☐ U.S. Mail
- ☐ Hand Delivery
- ☐ Certified Mail, Return Receipt Requested
- ☐ Overnight Mail
- ☐ Facsimile: _____
- ☒ Statehouse Mail


Rayola Jacobsen, Chief
Bureau of Occupational Licenses

IDAHO BUREAU OF OCCUPATIONAL LICENSES

VOLUNTARY SURRENDER OF REGISTRATION/LICENSE

I, Jim Welsh, hereby voluntarily surrender my registration/license to practice as a CONTRACTOR in the State of Idaho. I agree and consent that the surrender of my registration/license to practice is done without an order, order to show cause, hearing, or any other proceeding compelling its surrender. In view of my alleged failure to comply with Idaho Law, title 54, chapter 52, Idaho Code, and the rules promulgated by the CONTRACTOR Board ("Board"), and as an indication of my good faith in desiring to remedy any incorrect or unlawful practices on my part, I voluntarily surrender my registration/license to practice in the State of Idaho and agree to immediately discontinue the practice of CONTRACTOR in this state.

I understand that I have the right to a hearing, the right to confront and cross-examine witnesses, the right to present evidence and testimony on my behalf, the right to appeal and all other rights accorded to me by the Idaho Administrative Procedures Act, title 67, chapter 52, Idaho Code, and the laws and rules governing the practice of CONTRACTOR, title 54, chapter 52 Idaho Code. I hereby freely and knowingly waive these rights without further process as a resolution of any claims or allegations which might otherwise be brought against me by the Board. I further waive any registration/license renewal rights provided by Idaho Code § 67-2614.

I acknowledge that in surrendering my registration/license to practice, I am not making any admissions; however, I specifically waive the right to contest this relinquishment in any subsequent proceeding. I acknowledge that the Board has jurisdiction to proceed against my registration/license pursuant to Idaho Code § 54-5215. I understand that the Board will enter an order either revoking or suspending my registration/license to practice based upon my voluntary surrender of my registration/license, which order may include a civil penalty and/or the imposition of costs and fees incurred by the Board in its investigation and prosecution of any claims or allegations against me, and I hereby consent to the imposition of such discipline.

I understand and acknowledge that by surrendering my registration/license to practice, all of the privileges associated with said registration/license are hereby surrendered until such time as I am again properly registered/licensed. I understand that to regain a registration/license to practice in the State of Idaho, I must re-apply to the Board pursuant to the provisions of title 54, chapter 52, Idaho Code, and all applicable rules and orders entered by the Board. I understand and agree that any decision regarding reinstatement of my registration/license is a discretionary decision for the Board. I understand and agree that the Board may rely on factors set forth in this document or other than those set forth in this document as grounds for denial of a petition for reinstatement of my registration/license or any registration/license application that I may submit.

I waive refund of any payments made by me in connection with my registration/license under the CONTRACTOR Act and any rules promulgated thereunder.

Name of Registrant/Licensee: Jim Welsh Registration/License No.: RCE 7505

Address: 5209 TALLER #34 Boise 83705
street city zip

Signature of Registrant/Licensee or Authorized Individual: Jim Welsh

Date: 5/12/06

Signature of Witness: [Signature] Date: 5/12/06

Exhibit A
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